



issues” with the jail’s administration is contributing to his current issues. (Doc. No. 1 at 4).

He seeks medication, an immediate transfer out of the facility, investigation of his claims by the Court, and remedies the Court deems appropriate.

## **II. STANDARD OF REVIEW**

Because Plaintiff is a prisoner proceeding *in forma pauperis*, the Court must review the Complaint to determine whether it is subject to dismissal on the grounds that it is “(i) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). In its frivolity review, a court must determine whether the Complaint raises an indisputably meritless legal theory or is founded upon clearly baseless factual contentions, such as fantastic or delusional scenarios. Neitzke v. Williams, 490 U.S. 319, 327-28 (1989). A complaint should not be dismissed for failure to state a claim “unless ‘after accepting all well-pleaded allegations in the plaintiff’s complaint as true and drawing all reasonable factual inferences from those facts in the plaintiff’s favor, it appears certain that the plaintiff cannot prove any set of facts in support of his claim entitling him to relief.’” Veney v. Wyche, 293 F.3d 726, 730 (4<sup>th</sup> Cir. 2002) (quoting Edwards v. City of Goldsboro, 178 F.3d 231, 244 (4<sup>th</sup> Cir. 1999)).

A *pro se* complaint must be construed liberally. Haines v. Kerner, 404 U.S. 519, 520 (1972); see also Smith v. Smith, 589 F.3d 736, 738 (4<sup>th</sup> Cir. 2009) (“Liberal construction of the pleadings is particularly appropriate where ... there is a *pro se* complaint raising civil rights issues.”). However, the liberal construction requirement will not permit a district court to ignore a clear failure to allege facts in his complaint which set forth a claim that is cognizable under federal law. Weller v. Dep’t of Soc. Servs., 901 F.2d 387 (4<sup>th</sup> Cir. 1990). A *pro se* complaint must still contain sufficient facts “to raise a right to relief above the speculative level” and “state a claim

to relief that is plausible on its face.” Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007); see Ashcroft v. Iqbal, 556 U.S. 662 (2009) (the Twombly plausibility standard applies to all federal civil complaints including those filed under § 1983). This “plausibility standard requires a plaintiff to demonstrate more than a sheer possibility that a defendant has acted unlawfully.” Francis v. Giacomelli, 588 F.3d 186, 193 (4<sup>th</sup> Cir. 2009) (internal quotation marks omitted). He must articulate facts that, when accepted as true, demonstrate he has stated a claim entitling him to relief. Id.

### III. DISCUSSION


While Plaintiff seeks injunctive relief, he is no longer incarcerated at the Transylvania County Detention Center and appears to have been released. As a general rule, the transfer or release of a prisoner from prison renders moot the prisoner’s claims for injunctive and declaratory relief. Rendelman v. Rouse, 569 F.3d 182, 186 (4<sup>th</sup> Cir. 2009) (release from prison rendered moot the plaintiff’s request for injunctive and declaratory relief); Williams v. Griffin, 952 F.2d 820, 823 (4<sup>th</sup> Cir. 1991) (transfer of prisoner mooted claims for injunctive and declaratory relief). Because Plaintiff is no longer incarcerated at the Transylvania County Detention Center, his claims for injunctive relief are moot.

For the reasons stated herein, the Court will dismiss this action without prejudice as moot.

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff’s Complaint, (Doc. No. 1), is **DISMISSED** without prejudice as moot.
2. Plaintiff’s motion to proceed *in forma pauperis*, (Doc. No. 4), is **GRANTED** for purposes of initial review.
3. The Clerk shall terminate this action.

Signed: April 6, 2018

  
Frank D. Whitney  
Chief United States District Judge 